



Crl.O.P.No.28835 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who has been arrested and remanded to judicial custody on 21.07.2022, for the offences punishable under Sections 8(c) r/w 9A, 21(a), 21(c), 25(A) of the Narcotic Drugs and Psychotropic Act, 1985, in Crime No.483 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.07.2022, on receiving a secret information about illegal sale of Ganja, the Sub Inspector of Police along with his team conducted search, in which they found the petitioner along with the other accused and on seeing the police, A3 and the petitioner/A4 ran away from the scene of occurrence. The respondent Police conducted a search and recovered 80 grams of Methamphetamine and three cell phones from A1 and 15 kg of Ephedrine, 35 litres of acetone, 2 kgs of activated charcoal, 2.5 litres of methylene dichloride, 2.5 litre of methanol and a car bearing registration No.K.A.01 ML 1977 from A2. Based on the above, the case was



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registered by the respondent Police in Crime No.483 of 2022 for the offences under Section 8(c), 9A, r/w 21(a), 21(c), 25(A) of the NDPS Act. Later, based on the confession recorded from A3, A4 was arrested and based on his confession, 60 grams of Methamphetamine, which is a commercial quantity, was recovered. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the entire case of the prosecution itself is artificial. He further submitted that as per the prosecution, A1 and A2 have stated to be arrested while they having a discussion inside a car and on seeing the Police, A3 and A4 ran away from the scene of occurrence. He also submitted that later based on the alleged confession stated to have been recorded from A3, the petitioner was arrested and only after recording the alleged confession from the petitioner, the petitioner was taken to a open place from where 60 grams of Methamphetamine was stated to be recovered. He also stated that though the petitioner was stated to have been arrested on 21.07.2022, the alleged contraband was produced before the Court much belatedly on 11.08.2022 vide A.No.433 of 2022.



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4. He further submitted that the entire case of the prosecution is suspicious and he also submit that the similarly placed co-accused in this case have been granted bail by this Court in Crl.O.P.Nos.24157 & 26181 of 2022 vide orders dated 31.10.2022 & 04.11.2022. He also stated that the petitioner is in custody from 21.07.2022, hence, he prays for grant of bail to the petitioner.

5. The respondent has filed a detailed counter.

6. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on receiving a secret information about illegal sale of Ganja, the Sub Inspector of Police along with his team conducted search, in which, they arrested A1 and A2, from them, 80 grams of Methamphetamine and three cell phones were recovered from A1 and 15 kg of Ephedrine, 35 litres of acetone, 2 kgs of activated charcoal, 2.5 litres of methylene dichloride, 2.5 litre of methanol and a car bearing registration No.K.A.01 ML 1977 were recovered from A2.



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Based on the confession recorded from A3, the petitioner was implicated and arrested and based on his confession, 60 grams of Methamphetamine was recovered. He would further submit that the alleged contraband was produced before the Court on 11.08.2022 vide A.No.433 of 2022 and the alleged contraband is commercial quantity. He also submitted that one previous case of similar nature is pending as against the petitioner and hence, he vehemently opposed for grant of bail to the petitioner.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

8. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel and also considering the fact that the alleged contraband is a commercial quantity and the petitioner did not satisfy the conditions required under Section 37 of NDPS Act for grant of bail, this Court is not inclined to grant bail to the petitioner.



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9. Accordingly, this Criminal Original Petition stands dismissed.

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19.12.2022